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| EXAMINER | |
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| WILDER, PETER C | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2623 | |

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Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/937,078 | HOOPER ET AL. | |
| | Examiner | Art Unit | |
| | Peter C. Wilder | 2623 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 January 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 1 elements 240, 340, and 440. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any

person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 c. iv. claims: "media encoding/transcoding means". In the summary part of the specification the only reference to encoding/transcoding occurs with a copy of similar claim language.

### *Claim Objections*

Claim 3 is objected to because of the following informalities: Part "a" of the claim includes a "second means for inputting." No "first input means" is claimed previously to the limitation.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by Cho et al. (U.S. 5566353).

Referring to claim 28, Cho teaches a method for the display of multimedia content on one or more display screens which are themselves connected to one or more display controllers (Figure 4 element 258) to a scheduling server (Figure 1 element 100) and a transmission control system (Figure 1 element 100) via a data communication network (Figure 1 and Column 4 lines 54-67 and Column 5 lines 1-3) comprising the following steps:

a. a selecting the multimedia content to be displayed (Column 9 lines 46-57);

b. storing said content on the scheduling server (Column 6 lines 38-43);

c. selecting one of said display screens on which the content is to be displayed (Column 9 lines 45-53 and Column 9 lines 57-64 teaches determining the stores which have display screens where content will be aired);

d. storing such display screen selection on said scheduling server (Column 11 lines 12-26);

e. selecting a time interval during which said content is to be displayed on said display screen (Column 12 lines 49-57 teaches a user creates a playlist which determines when clips/content is going to be played);

f. storing said time internal selection on said scheduling server (Column 14 lines 48-59 teaches sending playlist schedule via satellite and Column 11 lines 10-25 teaches the scheduling server has playlist database);

g. transmitting said stored content and said stored time interval selection to the display controller connected to said selected display screen (Column 14 lines 48-59 teaches sending playlist schedule via satellite and Column 6 lines 32-46) ;

h. displaying the selected content on the selected display screen during the selected time interval (Column 9 lines 2-6).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho et al. (U.S. 5566353) in view of Hendricks et al. (U.S. 6738978 B1).

Referring to claim 1, Cho teaches a digital presentation system (Figure 1 and Figure 2 element 210 teaches digital storage) comprising:

A. a Scheduling Server (Figure 2 element 200) itself comprising of:

i. computer processor means for processing data (Figure 2 element 224 and Column 7 lines 35-37 teaches a PC which inherently has to have a processor),

ii. storage means for storing data on a storage medium (Figure 2 element 210 and 212),

iii. data transceiver means (Figure 2 teaches a transmitter element 230 by the fiber link and Column 10 lines 22-23 and Figure 2 teaches the remote PC element 261 in Figure 2 interacting with PCs 206 and 208 thus a network connection would have to exist to transmit data back and forth between the PC's 206 and 208 and the network manager);

B. a Transmission Control System (Figure 1 and Figure 3 element 234) itself comprising of:

iii. data transceiver means (Figure 3 teaches the Earth station can receive information on a fiber link and transmit information via satellite);

C. at least one individual workstation (Figure 2 element 261) itself comprising of:

i. computer processor means for processing data (Column 9 lines 26-29 teaches element 261 is a PC/database so it has to have a processor),

ii. graphical interface for campaign planning (Column 9 lines 40-43 teaches a user making modifications based on product movement which would

require a graphical interface of some kind to exist, Figure 5 and Column 4 lines 23-24), execution and follow-up (Column 32-38 teaches follow-up data),

iii. storage means for storing data on a storage medium (Column 9 lines 26-29 teaches element 261 is a database),

iv. media encoding/transcoding means (Column 9 lines 33-35 teaches data being stored in the database being used to produce a report which means the data's format would have to change (data/media would be transcoded) if the report were printed out on paper or displayed on a screen),

v. transceiver means (Figure 2 teaches the Network Management transceiver means in order to communicate data to element 200),

D. at least one visual display subsystem (Figure 1 element 254) comprising of:

i. at least one visual display screen (Figure 4 element 259 and Column 8 lines 60-67 and Column 9 lines 1-2 a display screen),

ii. a display controller connected to said visual display screen comprising:

(1) computer processor means for processing data (Figure 4 teaches element 258 a computer),

(2) storage means for storing data on a storage medium (Figure 4 element 260),

(3) means for decoding and presenting multimedia content on one or more of said display screens (Figure 4 teaches decoding),

iii. data transceiver means (Column 9 lines 29-30 teaches a modem is used to get the data from the computer and a modem is a transceiver);

E. a first data communication network connecting said Scheduling Server said Transmission Control System and said individual workstation(s) through their respective transceiver means (Figure 1 and Figure 2 teaches a network connecting element 261 individual workstation to element 200 a scheduling server to element 234 a transceiver);

F. a second data communication network connecting said Transmission Control System and said visual display sub-system(s) through their respective transceiver means (Figure 1 teaches a communication network connecting element 234 a transceiver to element 254 a visual display sub-system);

G. first means for processing data to determine the availability of air time periods on each said visual display sub-system (Column 9 lines 46-66 teaches generating a playlist for each retail store and in order to do this some means has to exist to determine how much air time exists so it knows how many clips to add to the playlist);

H. second means for processing data to select and reserve available air time period on each said visual display sub-system (Column 9 lines 46-66 teaches generating a playlist for each retail store);

I. third means for processing data to associate one or more multimedia content to be displayed to each said reserved air time period (Column 9 lines 46-66 teaches generating a playlist for each retail store and a playlist is made up of video clips);

J. first means for transmitting said multimedia content to the corresponding visual display sub-system (Column 8 lines 36-44 and Figure 1 teach elements 234 and 254);

K. second means displaying said multimedia content on the corresponding display screen during the corresponding time period (Column 9 lines 3-7 and Figure 4 and Column 46-53).

Cho fails to teach Transmission Control System i. computer processor means for processing data, ii. storage means for storing data on a storage medium.

In an analogous art Hendricks teaches Transmission Control System i. computer processor means for processing data (Figure 1 element 208 teaches a headend with element 214 a network controller and Column 10 lines 63-67 and Column 11 line 1 teaches the headend receiving and transmitting signals and Column 17 lines 64-67 teaches the network controller/transmission control system has a CPU), ii. storage means for storing data on a storage medium (Column 17 lines 64-67 teaches databases 226 in the network controller/transmission control system).

At the time the invention was made it would have been obvious for one skilled in the art to modify the digital presentation system of Cho with the transmission control system of Hendricks for the purpose of processing and distributing signals to each receiving terminal (Column 11 lines 5-10, Hendricks).

Referring to claim 2, depending on claim 1, Cho teaches visual presentation system further comprising first means for inputting and storing demographic data in relation to the geographic location of each visual display sub-system (Column 11 lines 14-26).

Referring to claim 3, depending on claim 1, digital presentation system as further comprising:

a. second means for inputting and storing data related to the multimedia content preferences of each user of the digital presentation system (Column 11 lines 34-40 teach the clip frequency rate or how often the commercial is to be shown is stored in the database so some type of input means has to exist);

b. third means for inputting data related to the air time period preferences of each user of the digital presentation system (Column 11 lines 36-37 teaches valid run times for clips so some type of input means has to exist to enter the data into the database);

c. fourth means for processing data to determine for each visual display sub-system, the actual play list by optimally correlating said available air time periods, said air time period preferences, and said multimedia content preferences (Column 9 lines 46-64 teaches the generation of the playlists by the network manager and Column 11 lines 34-40 teaches the network manager database having detailed information about the clips and the content preferences of the user, and Column 12 lines 49-57 teaches airtime periods, so the generated

playlists have to correlate the data of available air time, content preferences, and multimedia preferences).

Referring to claim 4, depending on claim 3, Cho teaches a digital presentation system wherein said fourth means for processing data comprises:

a. means to determine, for each said visual display and for a predetermined air time period (Column 12 lines 58-67 and Column 13 lines 1-6 teach 30 minute airtime periods), the duration of any unreserved air time period (Column 11 lines 36-38 teaches some run time clips have a valid run time or reserved periods of time that they can only run at thus the system would determine from that unreserved airtimes),

b. means to fill each said unreserved air time period with digital content which is compatible with the remaining multimedia content in the said corresponding predetermined air time period (Column 13 lines 1-5 teaches filling in a 30 minute time period with commercial, news, and fact clips, so a clip that has a valid/reserved air time as taught in Column 11 lines 26-28 would run and then the other time would be filled in with news, fact, or other commercial clips which are all compatible multimedia since they informing a viewer with information).

Referring to claim 5, depending on claim 2, see the rejection of claim 3.

Referring to claim 6, depending on claim 5, see the rejection of claim 4.

Referring to claim 7, depending on claim 2, Cho teaches a digital presentation system further comprising:

a. second means for inputting and storing data related to the multimedia content preferences of each user of the digital presentation system (Column 11 lines 34-40 teach the clip frequency rate or how often the commercial is to be shown is stored in the database so some type of input means has to exist);

b. third means for inputting data related to the air time period preferences of each user of the digital presentation system (Column 11 lines 36-37 teaches valid run times for clips so some type of input means has to exist to enter the data into the database);

d. fourth means for processing data to determine for each visual display sub-system, the actual play list by optimally correlating said available air time periods, said air time period preferences, said multimedia content preferences (Column 9 lines 46-64 teaches the generation of the playlists by the network manager and Column 11 lines 34-40 teaches the network manager database having detailed information about the clips and the content preferences of the user, and Column 12 lines 49-57 teaches airtime periods, so the generated playlists have to correlate the data of available air time, content preferences, and multimedia preferences).

Cho fails to teach c. fourth means for inputting and storing data related to the demographic preferences of each user of the digital presentation system, and processing means for correlating demographic data.

Hendricks teaches c. fourth means for inputting and storing data related to the demographic preferences of each user of the digital presentation system and correlating demographic data (Column 41 lines 41-45 teaches demographic information of each viewer is stored and used to correlate advertisements to the viewer, and Column 31 lines 1-11 teaches an advertisement database; Column 41lines 12-20 teaches correlating viewer log file with advertisement file, so if demographic data of the viewer is used demographic data preferences of the advertiser had to be entered into the database with the clip so the system knows to correlate a viewer to the clip; this correlation is done with CPU element 224 Column 41 lines 12-20).

At the time the invention was made it would have been obvious for one skilled in the art to modify the digital presentation system of Cho with the demographic preference system of Hendricks for the purpose of distributing advertisements that are of most interest to the viewer (Column 41 lines 42-45, Hendricks).

Referring to claim 8, depending on claim 7, see rejection of claim 4.

Referring to claim 9, depending on claim 1, Cho teaches wherein said first data transmission network is a high bandwidth network (Column 6 lines 54-58

and Figure 1 and Figure 2 teach the connection between element 200 and 234 as a fiber link which is a high bandwidth network).

Referring to claim 10, depending on claim 2, Cho teaches wherein said first data transmission network is a high bandwidth network (Column 6 lines 54-58 and Figure 1 and Figure 2 teach the connection between element 200 and 234 as a fiber link which is a high bandwidth network).

Referring to claim 11, depending on 3, Cho teaches wherein said first data transmission network is a high bandwidth network (Column 6 lines 54-58 and Figure 1 and Figure 2 teach the connection between element 200 and 234 as a fiber link which is a high bandwidth network).

Referring to claim 12, depending on claim 4, Cho teaches wherein said first data transmission network is a high bandwidth network (Column 6 lines 54-58 and Figure 1 and Figure 2 teach the connection between element 200 and 234 as a fiber link which is a high bandwidth network).

Referring to claim 13, depending on claim 5, see the rejection of claim 9.

Referring to claim 14, depending on claim 6, see the rejection of claim 9.

Referring to claim 15, depending on claim 7, see the rejection of claim 9.

Referring to claim 16, depending on claim 8, see the rejection of claim 9.

Referring to claim 17, depending on claim 16, wherein said second data transmission network is a satellite network (Figures 1, 3, and 4 and elements 252 and 256 in Figures 3 and 4 respectively).

Referring to claim 18, depending on claim 18, Cho teaches a wherein said first data transmission network is a television network (Column 4 lines 54-67 and Column 5 lines 1-3 teaches distribution of television information).

Referring to claim 19, depending on claim 18, Cho teaches wherein said display screens are television sets (Column 4 lines 54-67 and Column 5 lines 1-3).

Referring to claim 20, depending on claim 19, Cho teaches wherein said display controller is a television station (Column 4 lines 54-67 and Column 5 lines 1-3 teaches television monitors in the receiving sites and Figure 4 teaches a receiving site with a computer and Column 8 lines 60-67 and Column 9 lines 1-6 teach the receiving site storing and playing videos).

Referring to claim 21, depending on claim 2, Cho teaches a digital presentation wherein said Scheduling Server storage means includes a database

containing data records relating to each said display screen (Column 9 lines 22-25 teaches the scheduling server building a database with collected data and by scanning means), including data relating to:

a. its geographical location (Column 11 lines 14-26 and Column 10 lines 22-30 teaches PCs 206 and 208 correlating with the network manager and to distribute playlists so the PCs would have to receive the destination address or the store to send the playlist to),

b. available air time periods (Column 11 lines 14-26 teaches the number of sockets and Column 12 lines 48-57 teaches the sockets correspond to the amount of air time for each store),

d. traffic patterns (Column 9 lines 29-38 teaches scanning).

Cho fails to teach storing demographic data.

Hendricks teaches storing demographic data (Column 41-45 teaches correlating demographic data or a viewer so the demographic data would have to be stored somewhere, Column 31 lines 1-11 teach the network controller which is also a scheduler having databases).

Referring to claim 22, depending on claim 21, Cho teaches a digital presentation system further including data relating to budgetary restrictions (Column 10 lines 10-21 teaches contracts which require commercials to be aired or else the advertiser could request money back thus hurting the budget of the retail store).

Referring to claim 23, depending on claim 21, Cho teaches a digital presentation system further including data relating to air time restrictions (Column 11 lines 36-40 teaches clip having valid run times/airtime restrictions).

Referring to claim 25, depending on claim 21, Cho teaches a digital presentation system further including data relating to industry restrictions (Column 11 lines 36-40 teaches a clip having valid run times/airtime restrictions which would mean some type of deal was made with the advertiser for the time period, so to have the commercial/clip run outside of the valid run time which is a time restriction would violate the concept of an advertising agreement in the industry of when to run a commercial/clip).

Referring to claim 26, depending on claim 21, Cho teaches a digital presentation system including data relating to market penetration (Column 9 lines 35-44).

Claim 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho et al. (U.S. 5566353) in view of Hendricks et al. (U.S. 6738978 B1) further in view of Wong et al. (U.S. 6968364).

Referring to claim 24, depending on claim 21, Cho and Hendricks fail to teach a digital presentation system further including data relating to target audience size.

In an analogous art Wong teaches digital presentation system further including data relating to target audience size (Column 34 lines 1-10 teaches determining the size of the audience and the database is element 676 where the data is stored).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined systems of Cho and Hendricks using the target audience size information of Wong to determine more accurate rates for the advertising (Column 34 lines 11-14, Wong).

Referring to claim 27, depending on claim 21, Cho teaches a digital presentation system further including data relating to:

a. budgetary restrictions (Column 10 lines 10-21 teaches contracts which require commercials to be aired or else the advertiser could request money back thus hurting the budget of the retail store) ,

b. air time restrictions (Column 11 lines 36-40 teaches clip having valid run times/airtime restrictions),

d. industry restrictions (Column 11 lines 36-40 teaches a clip having valid run times/airtime restrictions which would mean some type of deal was made with the advertiser for the time period, so to have the commercial/clip run outside

of the valid run time which is a time restriction would violate the concept of an advertising agreement in the industry of when to run a commercial/clip),

e. market penetration (Column 9 lines 35-44).

Cho and Hendricks fail to teach storing target audience size.

In an analogous art Wong teaches storing target audience size (Column 34 lines 1-10 teaches determining the size of the audience and the database is element 676 where the data is stored).

At the time the invention was made it would have been obvious for one skilled in the art to modify the combined systems of Cho and Hendricks using the target audience size information of Wong to determine more accurate rates for the advertising (Column 34 lines 11-14, Wong).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. Wilder whose telephone number is 571-272-2826. The examiner can normally be reached on 8 AM - 4PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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